

STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT COURT

FILED
13th JUDICIAL DISTRICT COURT
Cibola County
4/8/2022 11:29 AM
Toinette Garcia
CLERK OF THE COURT
Marlene S Villasana

JON LANGLINAIS

Plaintiff,

v.

Cause No. D-1333-CV-2022-00067

LESLIE A. MERRITT,
TRAVELERS INDEMNITY COMPANY OF CONNETICUT,
and SHAMROCK FOODS COMPANY

Defendants.

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, by and through attorney of record PARNALL LAW FIRM,
LLC (Ian Bertschausen), and states:

1. Plaintiff Jon Langlinois is a resident of Eddy County, New Mexico.
1. Upon information and belief, Defendant Leslie A. Merritt is a resident of Mesa County, Arizona.
2. Defendant Travelers Indemnity Company of Connecticut is subject to the Court's jurisdiction pursuant to *Raskob v. Sanchez*, 1998-NMSC-045, 126 N.M. 394, as insurer of the vehicle driven by Defendant Leslie A. Merritt.
3. Upon information and belief, Defendant Shamrock Foods Company is a resident of or doing business in Cibola County, New Mexico.
4. The events described in this Complaint occurred in Cibola County, New Mexico.
5. Jurisdiction and venue are proper in this Court.

Counts 1 and 2 – Negligence and Negligence Per Se

6. On or about February 02, 2021, Plaintiff was traveling through Grants, New

Mexico on Interstate 40. He was pulling his Air Stream trailer when a semi-truck in the left lane improperly overtook him at speeds too fast for conditions. The semi-truck then abruptly veered back into Mr. Langlinais' lane and slammed on the brakes. Mr. Langlinais applied his brakes in response to the semi-truck's haphazard maneuvering, but lost control of his vehicle. Mr. Langlinais's vehicle and his trailer spun around into oncoming traffic, and another semi-truck struck him head-on.

7. On or about February 02, 2021, Defendant Leslie A. Merritt was operating a semi-truck motor vehicle.

8. Defendant Leslie A. Merritt had a duty to drive in a reasonable and safe manner, and follow traffic rules, in order to prevent foreseeable harm to others, including Plaintiff.

9. Defendant Leslie A. Merritt failed to drive in a reasonable and safe manner, and failed to follow traffic rules.

10. Defendant Leslie A. Merritt improperly overtook Plaintiff at speeds too fast for conditions.

11. Defendant Leslie A. Merritt knew or should have known that such conduct posed a risk of harm to others, including Plaintiff.

12. As a result, Defendant Leslie A. Merritt breached the duty owed to Plaintiff.

13. Defendant Leslie A. Merritt drove in a willful, intentional, malicious, reckless, careless, wanton, grossly negligent and negligent manner.

14. Defendant Leslie A. Merritt violated traffic laws, codes or regulations, without just cause or excuse. Plaintiff was in the class of persons intended to be protected by said laws.

15. As a direct and proximate result of Defendant Leslie A. Merritt's wrongful conduct, negligence, and negligence per se, a collision occurred, and Plaintiff was injured and suffered damages.

Count 3 Respondeat Superior

16. The preceding allegations are realleged and incorporated herein.

17. At all material times, Defendant Leslie A. Merritt was an employee or agent of Defendant Shamrock Foods Company acting within the course and scope of his employment or agency at the time of the occurrence giving rise to this action.

28. Defendant Shamrock Foods Company is vicariously liable for Defendant Leslie A. Merritt's wrongful acts and omissions pursuant to the doctrine of Respondeat Superior.

Damages

18. As a direct and proximate result of the Defendants' wrongful conduct, Plaintiff has suffered injuries and damages including, but not limited to, physical injuries, past incurred and future medical expenses, loss of income and income opportunity, loss of household services, property damage, loss of use, loss of life's enjoyment, emotional distress, and emotional and physical pain and suffering, all to Plaintiff's great loss in an amount to be proven at trial.

WHEREFORE, Plaintiff requests that this Court enter Judgment against the Defendants for compensatory and punitive damages in an amount to be proven at trial, costs incurred in the prosecution of this action, pre-judgment and post-judgment interest, and for such other and additional relief as the Court may deem proper.

Respectfully submitted,



Ian Bertschausen
PARNALL LAW FIRM, LLC
P.O. Box 8009
Albuquerque, NM 87198
(505) 268-6500; FAX (505) 268-8708
Attorneys for Plaintiff